REMARKS:

Claims 1-26, 28, 30, 32-35, 44, 51-52, and 54-55 have been cancelled. Thus, claims 27, 29, 31, 36-43, 45-50, and 53 remain pending.

Claim 29 has been amended to correct an erroneous reference to "wood," in that the claim now recites "wool" as disclosed on page 7, line 2 of the published priority PCT Application WO 03/090900.

The Examiner has continued and made final a restriction requirement between two groups identified as: **Group I**, claims 27-45 (drawn to a filter element); **Group II,** claims 46-53 (drawn to a method of manufacture of a filter element).

In the prior response, the applicants provisionally elected to prosecute **Group I** (claims 27-45) with traverse. The applicants respectfully request reconsideration of the finality of the restriction requirement in view of the fact that no basis for restriction has be articulated as required under the Manual of Patent Examining Procedure.

In continuing the restriction requirement, the Examiner again has merely cited PCT Rule 13 in support of restriction because "the groups lack the special technical features" in view of Saito et al. (U.S. Patent 4,749,671). This is improper. Every requirement to restrict has two aspects: (A) the reasons why each invention as claimed is either independent or distinct from the other(s); and (B) the reasons why there would be a serious burden on the examiner if restriction is not required. MPEP 808. Neither of these aspects has been addressed by the Examiner.

All of the previously pending claims were directed to a filter element comprising a composite homogenous structure of inorganic fibers and a catalyst or a method for manufacturing such a filter element. Thus, all of the claims were highly related to each other. Moreover, there would not have been a serious burden on the Examiner in searching the claims because there is no indication that the subject matter of each claim has attained recognition in the art as a separate subject for inventive effort. Indeed, the Examiner performed a search and cited the Saito et al. reference against the novelty of all the claims (i.e., no "special technical feature" distinguished the claims from Saito et al.). As a result, searching all of the claims must not have presented a burden.

The currently pending claims are even more highly related, in that all claims additionally require that the filter element is a structure which has been formed by a process of injection molding, is candle-shaped and closed at one end, and has a porosity of more than 70% to less than 80%. Thus, a search directed to these elements is very likely to find art directed to all pending claims without a presenting a serious burden on the Examiner. If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions. MPEP 803.

Accordingly, the applicants respectfully request reconsideration of the finality of the restriction requirement and request that all pending claims are searched and examined on the merits.

Claims 27-32 and 36-43 have been rejected under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) in view of U.S. Patent 4,749,671 to Saito et al. Furthermore, claim 45 was rejected under 35 U.S.C. 103(a) in view of Saito et al., and claim 44 was rejected under 35 U.S.C. 103(a) over Saito et al. in view of Zievers (U.S. Patent 4,968,467).

The independent claims have been amended to require (1) that the filter element is injection molded, (2) that the filter element is a hollow, candle-shaped filter element closed at one end, and (3) that the filter element has a porosity of more than 70% to less than 80%. The basis for these amendments is derived form formerly presented claims 28 and 44 (now cancelled) and from page 5, lines 14-16 of the published priority application, PCT Application WO 03/090900 ("It has been found that forming the filter by a process of injection-moulding provides a filter having a considerable increase in porosity, typically 70 to 80% porous due to the low density distribution of the fibres and reactant.").

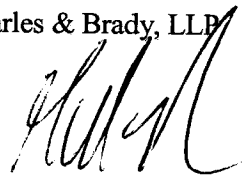
Claims 1 and 46 are novel and unobvious over the Saito et al. reference at least by virtue of the their requirement for the filter element to have a porosity of more than 70% to less than 80%. This level of porosity is not merely a matter of routine design choice. A porosity in this range conveys an inventive advantage by balancing efficiency and pressure drop. This enables dual functionality of the filter, in that it can eliminate particulate pollutants as well as gaseous pollutants with less down-time and energy consumption. As detailed in the Specification, several other improvements are wrought by achieving the claimed porosity. For example, clean gases are more easily drawn through the filter element of such high porosity, requiring less energy from the filtration system. Also, it has been found that a filter of the claimed porosity produces lower density dust cake, which is much easier to remove during the cleaning cycle.

The Saito et al. reference does not teach or suggest a filter of more than 70% porosity to less than 80%, and further it does not disclose advantages associated with any particular porosity range. Indeed, this reference is concerned solely with improvements in filter catalysts. Therefore, the amended independent claims, and all claims depending therefrom, are novel and non-obvious over Saito et al. and the other cited art.

Other than the fee for a two-month extension of time petition, no fee is believed to be due with this response. Should there be any unforeseen costs, please charge our Deposit Account No. 17-0055.

Respectfully submitted,

Quarles & Brady, LLP



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